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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,327	03/06/2000	Upendra V. Chaudhari	YOR-2000-0006	8814

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FERENCE & ASSOCIATES
400 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/519,327

Applicant(s)

CHAUDHARI ET AL.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U. S. C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U. S. C. 103 (c) and potential 35 U. S. C. 102(e), (f) or (g) prior art under 35 U. S. C. 103(a).

3. Claims 3-11 and 14-23 are rejected under 35 U.S. C. 103(a) as being unpatentable over Picone et al (US Patent No. 5,293,452) in view of Setlur et al (US Patent No. 5,717,826) in further view of O'Shaughnessy (Speech Communication: Human and Machine, 1987).

4. As per claims 3-6, 14-17, and 23, Picone et al disclose an apparatus for verifying verbal utterances comprising:

a target password generator which generates at least one target password, (see col. 4, lines 43-51);

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an acceptance arrangement, which compares a verbal utterance to at least one target password, (see col. 4, lines 58-62, and Fig. 1, item 30).

Picone et al fail to explicitly teach a system comprising an arrangement, which compares text based on a verbal utterance to at least one target password sentence. However, this feature is well known in the art.

In a similar field of endeavor, Setlur et al discloses a voice verification system comprising arrangement, which compares text based on a verbal utterance to at least one target password sentence (see col. 2, lines 64-66 and col.3, lines 4-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Setlur et al teachings of acceptance/rejection arrangement in the Picone et al system, for the purpose of allowing for reliable and secure automatic access to restricted system such as remote databases while reducing verification error rate, as suggested by Setlur.

Picone fails to specifically teach the decoder being adapted to transform a verbal utterance into decoded text via employing the finite state grammar to modify the verbal utterance. However, transforming a verbal utterance into decoded text via employing the finite state grammar to modify the verbal utterance was well known in the art.

In a similar field of endeavor, at page 468-470, O'Shaughnessy teaches networks for speech recognition implementing dynamic programming, an acoustic analyzer to generate a segment string which is used by other systems to refine or modify the string until a text sentence is ready to be output.

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Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the utterance verification system of Picone to implement the grammar network system as taught by O'Shaughnessy, for the purpose of providing efficient and accurate recognition and improved utterance verification.

As per claims 7 and 18, Picone et al disclose a system wherein said target password generator is adapted to accept prompted text corresponding to at least one password, (see col. 4, lines 36-51).

As per claims 8 and 19, Picone et al disclose a system wherein said target password generator is adapted to automatically generates at least one password as a baseform that is derived form an acoustic enrollment, (see col. 2, lines 9-10; col. 4, lines 36-51).

As per claims 9-11, 20-22, Picone et al disclose a system wherein said acceptance arrangement is adapted to derive a match score based on comparing.. (see Fig. 1, "scores").

Response to Arguments

5. Applicant's arguments filed March 5, 2004 have been fully considered but they are not persuasive.

Applicant argues the teachings of Setlur are different than the comparing of a verbal utterance and a target password on a text level of the present invention. The Examiner disagrees and argues Setlur specifically teaches that a string-based test is performed such that the spoken string is compared for verification and the string is either accepted or rejected (col.3, lines 7-8).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Setlur teaches a voice verification system comprising arrangement, which compares text based on a verbal utterance to at least one target password sentence for the purpose of reducing verification error rate. Additionally, O'Shaughnessy implements an acoustic analyzer to generate a segment string which is used by other systems to refine or modify the string until a text sentence is ready to be output for the purpose of raising recognition accuracy.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258.

The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
June 7, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER